United Nations CERD/C/FIN/CO/23

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the twenty-third periodic report of Finland*

1. The Committee considered the twenty-third periodic report of Finland (CERD/C/FIN/23) at its 2520th and 2521st meetings (see CERD/C/SR.2520 and 2521), held on 25 and 26 April 2017. At its 2536th meeting, held on 5 May 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the twenty-third periodic report of the State party. It appreciates the frank and self-critical nature of the report, which addresses the concerns raised by the Committee in its previous concluding observations (CERD/C/FIN/CO/20-22). The Committee expresses appreciation for the open and constructive manner in which the dialogue with the State party's delegation took place. The Committee also wishes to thank the delegation for the detailed information provided during the consideration of the report and the additional information submitted following the conclusion of the dialogue.

B. Positive aspects

3. The Committee commends the State party for amending its Non-Discrimination Act (1325/2014) to specify that its section 2 applies to both public and private activities (with the exception of activities pertaining to family life or the practice of religion), in accordance with the Committee's earlier recommendation.

4. The Committee welcomes the ratification of the following international instruments since the examination of the combined twentieth to twenty-second periodic reports of the State party (CERD/C/FIN/20-22):

(a) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 31 January 2014;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, on 8 October 2014;

(c) The Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, on 1 June 2012, and the Optional Protocol on a communications procedure, on 12 November 2015;

* Adopted by the Committee at its ninety-second session (24 April-12 May 2017).

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(d) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 11 May 2016, and acceptance of the inquiry procedure (arts. 6-7 of the Convention).

5. The Committee also welcomes the following legislative and policy measures taken by the State party:

(a) Adoption of the first and second National Action Plans on Fundamental and Human Rights;

(b) Adoption of the first and second integration programmes and the related action plan, in 2015, under the Act on the Promotion of Integration of Immigrants (1386/2010);

(c) Implementation of the Good Relations Project, from November 2012 to October 2014;

(d) Adherence by political parties to the Charter of European Political Parties for a Non-Racist Society, in 2015;

(e) Implementation of the No Hate Speech Movement, from 2013 to 2015;

(f) Prohibition of ethnic profiling, in 2015;

(g) Adoption of the national programme for the revitalization of the Sami language, in 2014;

(h) Establishment of the National Non-Discrimination and Equality Tribunal, in 2015;

(i) Establishment of the Government Network of Contact Persons for Fundamental and Human Rights, in 2015;

(j) Establishment of a national human rights institution that has been granted A status by the Global Alliance of National Human Rights Institutions.

C. Concerns and recommendations

Statistics

6. While appreciating the statistics provided by the State party on the composition of its population and on employment, the Committee remains concerned that the data do not give a comprehensive picture of the extent to which economic and social rights are enjoyed by various groups, including the Roma, the Russian- and Estonian-speaking peoples, Somali nationals and the Sami (art. 1).

7. **Recalling its revised reporting guidelines (see CERD/C/2007/1, paras. 10 and 12), the Committee recommends that the State party diversify its data-collection activities by using various indicators of ethnic diversity and by allowing respondents to report anonymously and to choose how to identify themselves, so as to provide an adequate empirical basis for developing policies aimed at enhancing the ability of everyone to enjoy, on a basis of equality, all the rights enshrined in the Convention and at facilitating the monitoring thereof.**

Application of domestic legislation

8. The Committee notes the information provided by the State party concerning cases of discrimination received by domestic authorities. However, the Committee regrets the lack of comprehensive information on the outcome of cases in which domestic legislation has been applied to acts of racial discrimination, as defined under article 1 of the Convention (arts. 1 and 5-6).

9. **The Committee recommends that the State party provide in its next periodic report additional information and detailed statistics on legal actions taken against perpetrators of acts of racial discrimination, with a view to further establishing accountability for such acts.**

Hate speech, incitement to racial hatred and hate crimes

10. The Committee welcomes the State party's No Hate Speech Movement and the amendment to the Criminal Code criminalizing and establishing penalties for ethnic agitation and aggravated ethnic agitation. The Committee also welcomes the efforts made by the State party in 2016 and early in 2017 to prevent and address hate speech and hate crimes. However, the Committee remains concerned by the significant and increasing incidence of hate crimes motivated by racist bias and by the relatively small number of hate crimes that have led to prosecutions. It notes with concern the intensification of hostile sentiments towards persons perceived to be of foreign background, including towards Roma, Muslims, Somalis and Russian and Swedish speakers. The Committee is alarmed by the fact that in 2015 and 2016 over a dozen violent attacks, including acts of arson, were recorded against asylum seekers. The Committee notes with grave concern the rise in anti-immigrant discourse amounting to racism and xenophobia among political figures, despite the signature in 2015 by all parties in Parliament of the Charter of European Parties for a Non-Racist Society (arts. 2, 4 and 6).

11. **Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Effectively investigate cases of racist hate speech, incitement to racial hatred and racially motivated violence, and prosecute and sanction as appropriate those responsible;**

(b) **Provide mandatory and continuous training on hate crimes and non-discrimination to law enforcement officials at all levels;**

(c) **Publicly condemn and distance itself, including in online media, from racist hate speech and xenophobic statements made by public officials and politicians, and call upon politicians to ensure that their public statements do not contribute to intolerance, stigmatization or incitement to hatred;**

(d) **Provide in its next report statistics on the number and nature of hate crimes, convictions and sentences imposed on perpetrators and on compensation awarded to victims, where applicable.**

Roma communities

12. While noting the increase in the number of students receiving instruction in Romani, and commending the State party for its well-developed Roma policy programme, the Committee is concerned that the majority of Roma people continue to face discrimination in the enjoyment of economic, social and cultural rights, particularly in terms of access to employment, housing and education (art. 5).

13. **Referring to its general recommendations No. 32 (2009) on the meaning and scope of special measures in the Convention and No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party strengthen its measures to integrate Roma into the labour and housing markets, include Roma children in education and promote the teaching of Romani. It further recommends that the State party provide in its next report to the Committee information on the concrete results of the measures taken.**

Situation of the Sami

Voting for representation in the Sami Parliament

14. The Committee notes the concern expressed by the Sami Parliament that, under the recent Nordic Sami Convention, the Government of Finland retains the power to define who is Sami. The Committee further observes that the Supreme Administrative Court has the power to determine the eligibility of individuals to vote in Sami Parliament elections. The Committee notes the State party's commitment to improving its compliance with the principle of free, prior and informed consent in reviewing its policies on these issues (art. 5).

15. **In line with its general recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee reiterates its recommendation that, in defining who is eligible to vote for Members of the Sami Parliament, the State party accord due weight to the rights of the Sami people to self-determination concerning their status within Finland, to determine their own membership and to not be subjected to forced assimilation (see CERD/C/FIN/CO/20-22, para. 12).**

Traditional Sami lands and livelihoods

16. Despite the information provided by the State party, the Committee remains concerned that the rights of the Sami relating to their traditional lands and endangered traditional livelihood of fishing are not adequately protected and that government measures affecting them are not consistently made with their free, prior and informed consent. The Committee notes that the Act on Metsähallitus (234/2016), adopted in 2016, does not require the Sami to be consulted prior to the issuance of permits affecting the use of their land. The Committee is concerned by reports that the Sami Parliament was not consulted before the signing of the Teno River Fishery Agreement, which significantly reduces Sami traditional fishing rights. The Committee notes that a proposal to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO) is pending (arts. 2 and 5).

17. **The Committee reiterates its recommendation that the State party find an adequate, negotiated solution to the dispute regarding the rights of the Sami people in their traditional lands, including by revising its legislation on this issue and taking into account the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) (see CERD/C/FIN/CO/20-22, para. 13). The State party is also urged to obtain the free and informed consent of the Sami people prior to the approval of any project affecting the use and development of their traditional lands and resources and to ensure that an adequate cultural, environmental and social impact assessment is conducted in collaboration with affected communities prior to the granting of concessions or the planning of activities in the Sami homeland.**

Sami languages

18. The Committee notes that 75 per cent of Sami children under the age of 11 years live outside the Sami homeland and is concerned that, despite an allocated budget increase, the number of qualified teachers of Sami languages remains insufficient. The Committee also notes that the State party has proposed an amendment to the Sami Language Act (1086/2003). The Committee is concerned by reports that the provision of health and social care services in the Sami languages remains insufficient, despite the State party's efforts to strengthen knowledge of those languages and culture among health and social care personnel (art. 5).

19. **The Committee encourages the State party to continue to make efforts to revitalize the Sami languages, including outside the Sami homeland. The Committee recommends that the State party ensure adequate provision of physical and mental health services and social care in the Sami languages.**

Employment and housing

20. The Committee is concerned that persons perceived to have foreign backgrounds continue to suffer from discrimination in the fields of employment and housing, and that the unemployment rate of women of immigrant backgrounds remains very high (arts. 2 and 5).

21. **The Committee recommends that the State party take all measures necessary to combat racial discrimination against persons perceived to have foreign backgrounds, especially women, in the labour and housing markets.**

Bullying of children perceived to have foreign backgrounds

22. The Committee commends the State party for designing and implementing an anti-bullying programme in schools. However, while noting the delegation's statement that

progress has been made, the Committee is concerned by the indication in the State party's report that the incidence of bullying has not decreased (arts. 2 and 5).

23. **In accordance with its general recommendation No. 20 (1996) on article 5 of the Convention, the Committee recommends that, in order to ensure equal and inclusive access to education for all children, the State party strengthen its efforts to promote tolerance, diversity and equality in school curricula in order to encourage an effective multicultural learning environment.**

Migrants, asylum seekers and refugees

24. The Committee notes with concern that the arrival of 32,000 asylum seekers in 2015 was followed by several legislative changes that weaken protection for asylum seekers, refugees and other migrants in vulnerable situations. The Committee expresses concern that the provision of the Aliens Act (301/2004) on the granting of residence permits on humanitarian grounds has been repealed and applied with retroactive effect. The Committee is also concerned by reports that some asylum seekers continue to be held in police detention. The Committee is also concerned by the difficulties faced by undocumented individuals in accessing affordable and adequate health-care services other than emergency care. The Committee notes with concern reports that recent asylum claims by persons belonging to certain groups receive lower levels of approval. The Committee invites the State party to examine whether discriminatory policies may be affecting the number of asylum requests granted (arts. 5-6).

25. **In line with its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

(a) **Ensure that its current laws and any further restrictions concerning the removal of non-citizens from its jurisdiction do not discriminate in purpose or effect on the grounds of race, colour or ethnic or national origin and that non-citizens have equal access to effective remedies with respect to refoulement claims in removal proceedings;**

(b) **Maintain sufficient capacity in reception facilities providing adequate shelter, basic services and humanitarian assistance to ensure that asylum seekers are not detained in punitive settings;**

(c) **Take concrete measures to ensure that undocumented migrants have effective access to affordable and adequate health-care services.**

D. Other recommendations

Ratification of other treaties

26. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Committee reiterates its recommendation that the State party ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) (see CERD/C/FIN/CO/20-22, para. 19).**

Follow-up to the Durban Declaration and Programme of Action

27. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State**

party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

28. **In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next periodic report specific information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Consultations with civil society

29. **The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.**

Common core document

30. **The Committee reiterates its recommendation that the State party update its common core document, which dates to 1997 (HRI/CORE/1/Add.59/Rev.2), in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.**

Follow-up to the present concluding observations

31. **In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 19 and 25 above.**

Paragraphs of particular importance

32. **The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 9, 11 and 17 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.**

Dissemination of information

33. **The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.**

Preparation of the next periodic report

34. **The Committee recommends that the State party submit its combined twenty-fourth to twenty-sixth periodic reports, as a single document, by 13 August 2021, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.**